

10/538531

JC06 Rec'd PCT/PTO 10 JUN 2005

Rev 9/04

**PATENT**

13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : JOSEPHUS JAN EMEIS, ET AL.  
Application No. :  
Filed : Herewith  
Confirmation No. :  
For : CHOLESTEROL-LOWERING PREPARATION, FOOD  
SUPPLEMENT AND FOODSTUFF, AND METHODS  
FOR PREPARING SAME  
Examiner :  
Attorney's Docket : VER-191XX

TC Art Unit:

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on

By:

Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Siri:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

Attorney Docket No.: VER-191XX  
Filed: Herewith  
TC Art Unit:  
Confirmation No.:

[ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:  
[ ] a statement under 37 CFR § 1.97(e); or  
[ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

[ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

[ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

[ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. §

Attorney Docket No.: VER-191XX  
Filed: Herewith  
TC Art Unit:  
Confirmation No.:

1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

These references were cited in an International Search Report (copy enclosed) which issued in International Application No. PCT/NL2003/000884 filed December 12, 2003.

10/538531

JC06 Rec'd PTO 10 JUN 2005

Attorney Docket No.: VER-191XX

Filed: Herewith

TC Art Unit:

Confirmation No.:

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

JOSEPHUS JAN EMEIS, ET AL.

By: \_\_\_\_\_

Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP  
Ten Post Office Square  
Boston, Massachusetts 02109

Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

Date: 6-10-5

CLG/mc/322608-1  
Enclosure

D [REDACTED] June 10, 2005  
Page 1 of 1

<b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO.  VER-191XX	APPLICATION NO. <b>10/538531</b>		
				APPLICANT: Josephus Jan Emeis, et al.			
				FILING DATE Herewith	TC ART UNIT		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	US						
	US						
	US						
	US						
	US						
	US						
	US						
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO	
	**CN 1 274 584	11/29/2000	China				
	**CN 1 172 653	2/11/1998	China				
	**JP 08 205819	8/13/1996	Japan				
<b>OTHER DOCUMENTS</b> (including Author, Title, Date, Pertinent Pages, etc.)							
EXAMINER				DATE CONSIDERED			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

CLG/mc/322610-1

**\*\*These references were submitted by the International Bureau**